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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Dean A. Falb

Application No.: 09/034,286 Group Art Unit: 1633

Filed: March 4, 1998 Examiner: D. Nguyen

For: COMPOSITIONS AND METHODS Attorney Docket No. 7853-114
FOR THE TREATMENT AND
DIAGNOSIS OF
CARDIOVASCULAR DISEASE

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This application is a continuation-in-part of co-pending application number 08/870,434, filed June 6, 1997, which is a continuation-in-part of co-pending application number 08/799,910, filed February 13, 1997, which claims the benefit under 35 U.S.C. § 119(e) of provisional application number 60/011,787, filed February 16, 1996, now abandoned; and this application is a continuation-in-part of application number 08/599,654, filed February 9, 1996 (U.S. Patent No. 5,882,925), which is a continuation-in-part of co-pending application number 08/485,573, filed June 7, 1995, which is a continuation-in-part of co-pending application number 08/386,844, filed February 10, 1995. In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56, Attorneys for Applicant hereby invite the Examiner's attention to the following references:

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(a) References AA-BU, listed on the List of References Cited by Applicant submitted herewith as Exhibit A. References AA-BU were submitted with the Information Disclosure Statement dated July 23, 1996, filed in connection with the prosecution of Application No. 08/386,844.

(b) References BV-BY, listed in the List of References Cited by Applicant submitted herewith as Exhibit B. References BV-BY were submitted with the Information Disclosure Statement dated October 22, 1996, filed in connection with the prosecution of Application No. 08/485,573.

(c) References BZ-CD, listed in the List of References Cited by Applicant submitted herewith as Exhibit C. References BZ-CD were submitted the Supplemental Information Disclosure Statement dated March 28, 1997, filed in connection with the prosecution of Application No. 08/485,573.

(d) References CE-DY, listed on the List of References Cited by Applicant submitted herewith as Exhibit D. Copies of references CE-DY are also submitted herewith.

References CF, CV, DF, DJ, DK, DM, DP, and DV were cited by the Examiner in connection with the prosecution of Application No. 08/485,573 (see Office Action dated December 9, 1996; and Communication from Examiner dated January 22, 1997).

References CN, CO, DA, and DU were cited by the Examiner in connection with the prosecution of Application No. 08/925,767 which, like the instant application, claims priority to Application No. 08/485,573 (see Office Action dated March 18, 1998).

Applicant notes that references CE and CG were cited by the examiner in an Office Action dated August 19, 1997 in Application No. 08/480,994 (U.S. Patent No. 5,834,248) which, like the instant application, claims priority to Application No. 08/485,573. References CE and CG were cited in connection with a search of SEQ ID NO:36, which is the same as SEQ ID NO: 62 of the instant application. A copy of each respective search result provided by the examiner in Application No. 08/480,994 is submitted herewith, attached to reference CG.

References DH and DI were also cited by the Examiner in connection with the prosecution of co-pending Application No. 08/925,767, in connection with a search of SEQ ID NO:36, which is the same as SEQ ID NO:62 in the instant application (see Office Action dated February 26, 1999).

References DN, DS and DY were cited in an International Search Report in a Patent Cooperation Treaty (PCT) application which corresponds to co-pending Application No. 08/799,910. A copy of the International Search Report, dated July 11, 1997, is enclosed herewith as item DD. (Applicant notes that Ohno et al., 1995, Science 265:781-784, cited in the International Search Report, was previously listed by Applicant as reference BB in the revised form PTO-1449 submitted with the Information Disclosure Statement dated July 23, 1996, filed in connection

with the prosecution of Application No. 08/386,844, as noted in paragraph (a), above).

(e) References DZ and EA, listed on the List of References Cited by Applicant submitted herewith as Exhibit E. Copies of references DZ and EA are also submitted herewith .

Pursuant to 37 C.F.R. § 1.98(d), and additionally so as to not overburden the Patent Office files, no copies of the References AA-BU are included herein, as such copies are available in the file of Application No. 08/386,844. Furthermore, no copies of the references BV-CD, are included herein, as such copies are available in the file of Application No. 08/485,573. Pursuant to 37 C.F.R. § 1.98(a)(2)(iii), copies of references CI and CJ, which are pending U.S. patent applications, are not enclosed. However, copies of the identified references will be provided upon the Examiner's request.

Identification of the foregoing references is not to be construed as an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the instant application.

While not to be construed that the Examiner should not review and consider all of the listed references, the Examiner's attention is particularly directed to the following references: CE, CG, DH, DI, DZ, and EA.

Applicant respectfully requests that the Examiner review all of references AA-DY and that the references be made of record in the file history of the instant application.

As Applicant believes this Information Disclosure Statement is being filed before the mailing date of the first Office action on the merits, no fee is believed due as provided by 37 C.F.R. § 1.97(b)(3). Should any fee be required, please charge the required amount to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date June 7, 1999

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Enclosures